**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

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Nos. 15-2270, 15-2359

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DANIEL V. MARINO,
Appellant in 15-2359

v.

USHER, a/k/a Usher Terry Raymond, IV; JAMES SAMUEL HARRIS, III; TERRY STEVEN LEWIS; BOBBY ROSS AVILA, JR.; ISSIAH AVILA, JR.; WILLIAM C. GUICE; DANTE E. BARTON; DESTRO MUSIC PRODUCTIONS, INC.; DEFENDERS OF MUSIC; FLYTE TYME TUNES; SUBLIME BASEMENT TUNEZ; UR-IV MUSIC, INC.; WARNER-TAMERLANE PUBLISHING CORP.; MARK PITTS; BYSTORM ENTERTAINMENT; TOMMY VAN DELL; IN2N ENTERTAINMENT GROUP, LLC; EMI BLACKWOOD MUSIC, INC.; SONY MUSIC ENTERTAINMENT; EMI APRIL MUSIC, INC.

*Francis Malofiy, Esq.,
Appellant in 15-2270

*(Pursuant to Rule 12(a), Fed. R. App. P.)

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On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civ. No. 2-11-cv-06811)
District Judge: Honorable Paul S. Diamond

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Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
on June 23, 2016

Before: McKEE, * *Chief Judge*, FISHER and GREENAWAY, JR. *Circuit Judges*.

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*Judge McKee concluded his term as Chief of the U.S. Court of Appeals for the Third Circuit on September 30, 2016.

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JUDGMENT

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This cause came to be considered on the record from the United States District Court of the Eastern District of Pennsylvania and was submitted pursuant to Third Circuit L.A.R. 34.1(a) on June 23, 2016.

On consideration whereof, it is hereby ORDERED and ADJUDGED by this Court that the judgment entered on May 1, 2015 is hereby AFFIRMED. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Marcia M. Waldron

Clerk

Dated: December 8, 2016

Costs taxed in favor of Appellee Usher as follows:

| | |
|---|---|
| Brief | $186.98 |
| **TOTAL** | **$186.98** |

United States Court of Appeals for the Third Circuit Seal

**Certified as a true copy and issued in lieu of a formal mandate on** 02/08/2017

**Teste:** Marcia M. Waldron
**Clerk, U.S. Court of Appeals for the Third Circuit**